



Department of Planning and Economic Development

Staff Report to the Planning Commission

June 22, 2012

Somerset Pines One Family Site Condominium

REQUEST	Preliminary One-Family Residential Site Condominium Plan Approval Natural Features Setback Modification
APPLICANT	MV Somerset Properties, LLC 850 W. University Suite D Rochester, MI 48307
LOCATION	North side of South Boulevard, between Adams & Crooks
FILE NO.	06-012.2
PARCEL NO.	15-32-300-007, -008, -009, and -010
ZONING	R-4 One Family Residential
STAFF	Jim Breuckman, AICP, Manager of Planning

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Summary

The proposed Somerset Pines one-family detached site condominium project is a new iteration of the former Lorna on the Green development that was proposed first as a conventional one-family development and then as a PUD option incorporating a combination of detached and attached single family units in 2007. The prior detached condominium plan which was recommended for approval by the Planning Commission had 48 units. The previously proposed PUD plan is included in your packets for reference.

The current proposal is for a 41 unit site condominium. The site includes four lots of the Messmore Farms Subdivision, which was platted in 1955. The site has an area of 19.2 net acres, and includes a 2.5 acre MDEQ-regulated wetland located within the open space area.

Development Layout

The development uses the lot size averaging option, which allows for a reduction in lot width to 72 feet and an average lot area requirement of 9,600 sq. ft. with no lot being less than 8,640 square feet. The layout meets the design standards of the lot size averaging option.

The site also proposes a single point of entrance via a boulevard with extensive landscaping.

Review Considerations

1. **Engineering/DPS.** The plans have received a recommendation of approval from the City's engineering department, subject to two conditions which will not impact the site layout.
2. **Tree Removal.** As the site was originally platted in 1955 it is exempt from the Tree Conservation Ordinance. There are 952 regulated trees on-site, and while no replacement trees are required the applicant is proposing to provide 109 replacement trees, consistent with the number of trees proposed with the prior 2007 plan.
3. **Landscaping/Tree Removal.** The plans comply with the landscaping and tree replacement requirements applicable to the site, subject to the following conditions:
 - a. Provide cost estimates for all proposed landscaping, including irrigation cost estimates.
 - b. Posting of landscaping bonds prior to issuance of a land improvement permit.
 - c. Depositing \$8,200 with the City's tree fund to plant one street tree per lot.
4. **Natural Features.**
 - a. The proposed site layout requires a natural features setback modification for lots 22, 23, and 24. The City's environmental consultant recommends that the natural features setback be modified because wetland B is not a high quality wetland.
 - b. As noted in ASTI's review letter, the plans must note that silt fencing will be installed along the natural features setback line on lots 14 and 15 and between wetland B and the infiltration trench on lots 22-24.
 - c. Conservation easements must be provided for wetlands, natural features setback areas, and the infiltration trenches prior to a land improvement permit being granted.
5. **Condominium Documents.** The applicant must submit the proposed master deed and bylaws for Staff and City Attorney review and approval prior to this item being brought forward for final approval.
6. **Fire Review.** Fire has one outstanding comment, and so fire department approval of the proposed layout should be a condition of approval.

Site Plan Summary

Section 122-367(b) requires that approval of a preliminary one-family detached site condominium plan be based upon compliance with the applicable sections and regulations of the Land Division article of the Code of Ordinances, availability and adequacy of utilities, an acceptable comprehensive development plan, a reasonable street and lot layout and orientation, and an environmental plan showing no substantially harmful effects. The plans are technically compliant and Staff therefore recommends that the Planning Commission grant a recommendation of approval to City Council, subject to conditions.

Motion to Approve a Natural Features Setback Modification

MOTION by _____, seconded by _____, in the matter of City File No. 06-012.2(Somerset Pines Site Condominium), the Planning Commission **grants natural features setback modifications** for 212 lineal feet of direct and permanent impacts as a result of a proposed rain garden/infiltration trench at the rear of lots 22, 23, and 24, and for 50 linear feet of direct and permanent impacts as a result of the construction of the storm water energy dissipater, with the following findings and conditions:

Findings

1. The wetland associated with the natural features setback area at the rear of lots 22-24 is of low quality.
2. The construction of the storm water energy dissipater qualifies for an exemption to the natural features setback according to the City's wetland consultant.

Conditions

1. Provide silt fencing along the natural features setback line on lots 14 and 15 and between wetland B and the infiltration trench on lots 22-24.

Motion to Recommend Preliminary Condominium Plan Approval

MOTION by _____, seconded by _____, in the matter of City File No. 06-012.2 (Somerset Pines Site Condominium), the Planning Commission **recommends that City Council approve the preliminary one-family residential detached condominium plan** based on plans dated received by the Planning Department on June 11, 2012, with the following findings and subject to the following conditions.

Findings

1. Upon compliance with the following conditions, the proposed condominium plan meets all applicable requirements of the zoning ordinance and one-family residential detached condominium.
2. Adequate utilities are available to properly serve the proposed development.
3. The preliminary plan represents a reasonable street layout.
4. The Environmental Impact Statement indicates that the development will have no substantially harmful effects on the environment.

Conditions

1. Provide all off-site easements and agreements for approval by the City prior to issuance of a Land Improvement Permit.
2. Inspection and approval of tree protection and silt fencing by the City prior to issuance of a Land Improvement Permit.
3. Provide landscape cost estimates for landscaping, replacement trees, and irrigation on the landscape plans.
4. Payment of \$8,200 into the tree fund for street trees prior to issuance of a Land Improvement Permit.
5. Submit of a landscape bond in an amount equal to the cost estimate for landscaping, replacement trees, and irrigation prior to issuance of a Land Improvement Permit.

6. Filing of conservation easements for all wetland, infiltration trench, and natural features setback areas prior to the issuance of a Land Improvement Permit.
7. Approval of all required permits and approvals from outside agencies.
8. Compliance with the Engineering and Fire Department memos dated June 18, 2012 and June 20, 2012, respectively.

Reference: Plans dated received by the Department of Planning and Development on June 11, 2012 (Sheets 1-10 prepared by Fenn & Associates, Inc.; Landscape Plans, Sheets L-1 thru L-3, dated June 8, 2012 prepared by James C. Scott & Associates).

Attachments: Assessing Department memo dated 5/16/12; Building Department memo dated 5/22/12; Fire Department memo dated 06/20/12; DPS/Engineering Department memo dated 6/18/12; ASTI Environmental letter dated 5/31/12; Water Resources Commissioner letter dated 5/23/12; Lorna on the Green proposed PUD plan, dated 10/24/07; Environmental Impact Statement; Public Hearing Notice.
